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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,656	03/25/2004	Daniel Lee Carter	2003-0607.02	7490
21972	7590	01/03/2007	EXAMINER	
LEXMARK INTERNATIONAL, INC.			GRAINGER, QUANA MASHELL	
INTELLECTUAL PROPERTY LAW DEPARTMENT			ART UNIT	PAPER NUMBER
740 WEST NEW CIRCLE ROAD			2852	
BLDG. 082-1				
LEXINGTON, KY 40550-0999				
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/809,656	CARTER ET AL.
Examiner	Art Unit	
Quana M. Grainger	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 October 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-9 and 13-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,4,6-9,13-18 and 20 is/are rejected.

7) Claim(s) 3,5,19 and 21 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) Notice of Informal Patent Application
6) Other: _____

DETAILED ACTION

Claim Objections

1. Claims 6-7 are objected to because of the following informalities. Claims 6-7 recite that the hot roll is uncoupled from the drive train instead of the hot roll gear is uncoupled from the drive train. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 6-8, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe (4,772,913). The fuser unit for an EP printing device, said fuser unit by Watanabe comprising: a unit frame; a hot roll 22 mounted in said frame; a backup roll 22 mounted in said frame and disposed in nipped relationship with said hot roll; a fuser drive motor mounted in said frame; and a drive train mounted in said frame and drivingly connected to said fuser drive motor 78, said drive train having at least one component thereof for driving at least one of said hot roll and said backup roll (figures 12-16; column 5, line 31 – column 6, line 47). The fuser including a swing arm 79, 79 assembly adapted for coupling said hot roll to said drive train and for

Art Unit: 2852

uncoupling said hot roll from said drive train (column 5, lines 60-64). The frame including a plate 79, 79 and said motor and said drive train being associated with said plate for positioning thereby.

Watanabe teaches a drive system for a fuser having a fuser unit frame and a hot roll mounted in the frame, said drive system comprising: a motor mounted in the frame; and a drive train operatively connected to said motor, said drive train including a plurality of individual gears each mounted to said frame and including a hot roll gear in said drive train for driving said hot roll (figures 12-16). The frame including a plate and said motor and said drive train being connected to said plate for positioning thereby. The drive system including a swing arm 79,79 assembly having a bracket and a primary gear connected in said drive train for rotation by said drive motor and a further gear connected to said bracket and rotated by said primary gear, said further gear being coupled to and uncoupled from said hot roll gear upon movement of said bracket (column 5, lines 60-64). The frame including a plate and said motor said drive train and said swing arm assembly being mounted to said plate (figures 12-16). The motor is bi-directional and its direction allows the uncoupling of the hot roll and duplexing (column 5, line 50-64).

4. Claims 9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizuno (JP09-230723a). Mizuno teaches a drive system for a fuser having a fuser unit frame and a hot roll mounted in the frame, said drive system comprising: a motor mounted in the frame, said motor being a bi-directional motor; and a drive train operatively connected to said motor, said drive train including a plurality of individual gears each mounted to said frame and including a

hot roll gear in said drive train for driving said hot roll, said drive train adapted to be engaged with and disengaged from said hot roll gear (abstract; figure 3). The drive train including a swing arm assembly selective coupled to and uncoupled from said hot roll gear (figure 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno in view of Yano et al. (4,954,845). Mizuno does not show the side plates or discuss them in the abstract. Yano et al. shows the side plates 55 that are normally associated with a fuser unit (figures 4-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Yano et al. with the image forming device of Mizuno to contain the heat from the fuser device in the fuser unit.

Allowable Subject Matter

7. Claims 3, 5, 19, and 21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 10-04-2006 have been fully considered but they are not persuasive. Applicant argues that when the action is undertaken and the lower heat roller is disengaged then the two heat rollers are disengaged from each other and are no longer in nipped

relationship, which is contrary to Applicant's claim. However, Watanabe teaches the separation of the hot roll and backup roll and a duplex path. The instant invention also teaches the separation of the hot and backup roller and a duplexing gate. Applicant arguments are not understood to show a difference between Watanabe and the claimed invention. The claims remain rejected as discussed above.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana M. Grainger whose telephone number is 571-272-2135. The examiner can normally be reached on 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Quana M Grainger
Primary Examiner
Art Unit 2852

QG